**HON'BLE SMT. JUSTICE T. MEENA KUMARI**
**AND**
**THE HON'BLE SRI JUSTICE G. CHANDRAIAH**

**WRIT PETITION No. 25848 of 1996**

**Date 7-9-2007**

**Between:**
**K. Jawaharlal Nehru**

**.....**

**PETITIONER**
**AND**

**A.P. State Road Transport Corporation**
**Represented by its Regional Manager,**
**Nellore.**

**.....RESPONDENTS**

**THE HON'BLE SMT. JUSTICE T. MEENA KUMARI**

**AND**
**THE HON'BLE SRI JUSTICE G. CHANDRAIAH**

**WRIT PETITION No.25848 of 1996**

ORDER: (per Smt. T.Meena Kumari,J)

The present writ petition is filed seeking to issue a Writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in not appointing the petitioner for the post of Conductor as illegal and arbitrary and consequently direct the respondents to appoint the petitioner for the post of Conductor.

Petitioner applied to the post of Conductor in the respondent Corporation after being duly sponsored by the employment exchange. However, when he was not allowed to appear for the interview, the petitioner filed Writ Petition No. 23498 of 1996 before this Court. Pursuant to the direction issued by this Court on 6.11.1996, the petitioner was interviewed for the post of conductor on 8.11.1996 and in the said interview, he obtained 72% of marks. However, the Corporation rejected the case of the petitioner on the ground that he did not pass S.S.C. in one attempt. Aggrieved, the petitioner filed the present writ petition before this Court.

Sri V.R.N. Prashanth, learned counsel for the petitioner would contend that even though the petitioner obtained 72% marks, he was not considered for the post of Conductor on the ground that he did not pass S.S.C. in single attempt. He would further contend that the Corporation cannot reject the case of the petitioner on the ground that he passed S.S.C. compartmentally and the same is violative of Articles 14 and 16 of the Constitution of India and contrary to Circular No. P1/502(1)/86-HRD, dated 29.5.1991. He, therefore, prayed that a direction be issued to the respondent-Corporation to consider the case of the petitioner for the post of Conductor.

Sri C. Prakash Reddy, learned counsel for the respondent-Corporation, on the other hand, submitted that since the petitioner did not pass S.S.C. in one attempt, the Corporation has rightly rejected the case of the petitioner.

This Court while admitting the writ petition on 16.12.1996, granted interim direction directing the respondent-Corporation to keep one post of Conductor vacant in Nellore Region.

In para-5 of the additional counter affidavit by the respondent, the Corporation stated thus:

> "It is submitted that since the selection is based on merit in the S.S.C. marks plus weightage the candidates who passed SSC at a stretch are considered to be more meritorious compared to those who passed compartmentally. Since the applicants, who passed S.S.C. or its equivalent examination at a stretch are more in number than that of vacancies, call letters were not sent to the candidates who passed S.S.C. compartmentally. This was made clear in the letter dated 9.9.1996 through which the blank application was sent to the candidates sponsored by the Employment Exchange.

However, the Corporation vide Circular No. PD-41/1991, dated 29.5.1991, issued instructions to the recruiting authorities to follow certain guidelines while making recruitment. In the said circular, it was also mentioned that as per circulars dated 21.3.1987 and 25.5.1988, instructions were issued for computation and weightage of marks in case of candidates passing the S.S.C. or its equivalent examination in compartment and to send the selected list of drivers and conductors to the Regional Manger of the Region concerned, before displaying on the notice Board.

Therefore, on a perusal of the above circulars, it is seen that even as per the said circulars, there is no bar for selection of the candidates who passed S.S.C. examination compartmentally. Hence, the Corporation cannot reject the case of the respondent on the ground that he has passed S.S.C examination compartmentally. Further the stand of the corporation that since the selection is based on merit in the S.S.C. marks plus weightage, the candidates who passed S.S.C. at a stretch are considered to be more meritorious when compared to those who passed S.S.C. compartmentally is without any basis and since the said stand of the Corporation is in violation of its own circular dated 29.5.1991, the same cannot be countenanced and it cannot be

made the basis for rejecting the case of the petitioner.

In view of the fact that the petitioner has appeared for interview for the post of Conductor pursuant to the directions issued by this Court on 6.11.1996 in a writ petition, namely, Writ Petition No. 23498 of 1996 filed by the petitioner earlier and in view of the fact that pursuant to the directions of this Court on 16.12.1996 in W.P.M.P. No. 3172 of 1996 in this writ petition, one post of conductor has been kept vacant in Nellore Zone, it would suffice if a direction is issued to the respondent-Corporation to notify the result of the petitioner, which was not announced earlier due to the pendency of this writ petition and to consider the case of the petitioner for appointment to the post of Conductor, if he is otherwise found eligible.

Accordingly, there shall be a direction to the respondent-Corporation to notify the result of the petitioner within a period of four weeks from the date of receipt of a copy of this order and to consider the case of the petitioner for appointment to the post of Conductor, if he is found otherwise eligible. Admittedly, the petitioner was 34 years old when he filed the present writ petition in the year 1996 and even though he has become age barred during the pendency of the writ petition, the respondents shall not reject the case of the petitioner on the ground that he is age barred.

The writ petition is accordingly allowed to the extent indicated above. No costs.

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(T. MEENA KUMARI,J)

Date:7th September,2007

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(G. CHANDRAIAH,J)

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